

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 28 2011

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-72 [REDACTED]

Deceased: [REDACTED]

Date of Incident: September 28,
2009

Date of Death: September 29, 2009

Operator: Asarco, LLC.

Mine: Hayden Concentrator

Contractor: ENTACT

Decision: Not chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. [REDACTED], a contractor employee, was driving a haul truck when he pulled over to the side of the roadway. He indicated to a fellow employee nearby that he was not feeling well and called his supervisor to ask to go home. During the conversation, it was reported that [REDACTED] sounded lethargic with slurred speech. Employees found him unresponsive and slumped over the wheel of the haulage truck. He was transported by helicopter to receive treatment but was pronounced dead the next day. No physical or environmental factors were found that might have contributed to his death.

The autopsy report indicated that he had a ruptured cerebral aneurysm with both blood collection in the brain as well as swelling of the brain. The report also included the details of a history of hypertension. The autopsy detailed a previous head injury and the treatment for a previously ruptured cerebral aneurysm. The report did not, however, conclusively tie the two events together.

Based on the autopsy report and the MSHA investigation, the committee members concluded that [REDACTED] died as a result of natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
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